THE WESTHER TO-PAY .-- From our repersons morning the probabilities are that see other to-day will be clear.

THE WEATHER ON Sunday, during the con, was cold, with rain, bail, and After 12 o'clock it was clear and The weather yesterday was clear and

> rmameter at the Dispatch office

## LOCAL MATTERS.

Notes .- Sunday, being the first Advent, was appropriately celethe Episcopal and Catholic churches, Monumental church Rev. Mr. Tizread the service in the morning and the sched. In the afternoon the pasand the service and Mr. Tizzard preached Second Baptist church the pulpit Sunday morning and night by Henson, of Philadelphia. The con n was large in the morning, and at the church was packed to its utmos , while hundreds went away unable admittance. Dr. Henson's sermons e, eloquent, very fresh, and striking e the liveliest satisfaction to his hear-Many of his old collegemates and were present, and gave bim a cordial tack to his old Virginia home communion in the morning five errived into the full fellowship of the

-Street Baptist church the pas zed fice. Twenty-one persons have conversion, there are a number of quirers, and the meetings will be very evening during the week. Venable-Street chapel three were d by letter and one by experience. te usual services were held in the Meth

At the Third Presbyterian church the pas ed in the morning and the Rev H. Baird at night to a large congrega The special services begun last weel be continued through this week unti rday night. There is a great deal mierest manifested both in the larger incase of the congregations and the seriousss pervading them. Several persons have ady professed conversion.

KAIN'S DISCOURSE SUNDAY NIGHT. Peter's cathedral was thronged Sunday on the occasion of the delivery of se by Rev. John J. Kain, of Harper's erry, for the purpose of raising funds for least from the gospel of St. Matthew, detive of the final judgment at the conthe terrors of that day, when the acbe vindicated. He showed and insignificant were all earthly

tive mind to pause and ponder, he depicted terrors of those mites of creation who God, and the terrible position uage could do was done to bring before

the learned divine kept the congregation fixed in attention for one hour by his fine sentences that fell from his lips having, as he has, all the art of a fluent enator and the language of a polished and in a masterly style, and the impression made must be lasting and efficacious,

The music of the evening was very fine tore the discourse the choir rendered the mite Sanctus Spiritus," and afterwards O, Cor Amoris," in an artistic style, which clicited much favorable comment. The funds of the Society were materially pesisted by this discourse.

NDAY-SCHOOL MASS-MEETING .- On Sun day atternoon the First Baptist church was upon a Sunday-school mass-meeting. The galleries were packed with children, the Sunday-school choir of the First church filled the organ gallery and led in most delightful singing, and the congregation was

one of the most inspiring. J. B. Winston, Esq., president of the Bichmond Sunday-School Association, presided, and introduced the speaker of the oc-

Rev. Dr. P. S. Henson, of Philadelphia then made an address of rare power. Introducing his remarks with some touching allusions to his conversion and baptism into the fellowship of that church while a student at Richmond College, and recalling to many eyes, and made a profound impression upon all who heard him.

SERVICES YESTERDAY .- Divine service was held in the Episcopal churches at noon yesbrday (St. Andrew's day), and prayers offerfor missions, in accordance with a custom of the Church of England.

Applied to a Steeple.—Preparations are sing made to repair and add to the height he steeple of the Broad-Street Methodist Caurch. It is proposed to take off the slate, val up the steeple with timber, add twenty feet to its height, and make it more symmetrical by bringing it to a sharp spiral termination, similar in a great measure to St. Paul's

DEATH OF ISAAC A. GODDIN .- Mr. Isaac Avery Goddin died at the residence of his Fon-in-law, Mr. Thomas J. Beale, Sunday He was born in James City county, and came He was born in James City county, and came for every such offence be guilty of those amendments, nor by the Le to Richmond when a youth and entered the a misdemeanor, and shall, on conviction of the States which ratified them. carpentering business. After serving bis apprenticeship he started for himself as both, at the discretion of the court." intracting builder. For a long number of Paul's church now stands. Deceased served county, and filled other public positions. James E. Goddin, and two married daughers. He was an active business-man, well known in this community, and had many Warm personal friends. His funeral will take linee this day at 12 o'clock M. from St.

James's church. hard convention of the American Cheap registered last evening at the Exchange and

REINSTATED .- Dectective William F. Knox has been restored to duty on the police-de-Lective force of Richmond.

## DAILY DISPATCH.

RICHMOND, VA., TUESDAY MORNING, DECEMBER 1, 1874.

JUDGES WHO DIFFER.

CASES OF THE PETERSBURG ELEC-TION OFFICERS BEFORE THE UNITED STATES CIR-CUIT COURT.

THE VALIDITY OF THE INDICT-MENTS IN QUESTION.

JUDGES BOND AND HUGHES

THE SUPREME COURT OF THE UNITED STATES TO DECIDE

BETWEEN THEM. The Opinion of Judge Hughes in Full.

On the meeting of the United States Circuit Court yesterday morning counsel for the defence in the Petersburg election cases were directed to file with their demurrer a statement in writing of the particular grounds on which they relied. This was acgrounds on which they relied. The was acground to the particular depends on counsel for defence, as follows: For causes its widest meaning it would have forbidden of demurrer the defendants assign the fol-

1. That there is no averment in any of the counts in the said indictment that the acts of commission and omission charged as criminal in said indictment were done or omitted to be done because or on account of race, color, or previous condition of servitude" of the persons whose rights are averred to have been denied, diminished, impaired, or obstructed, by the alleged acts of commission and omission of the defendants. 2. That the said acts and omissions are not averred to have been done under color or in execution of any State law or authority. 3. That the act of Congress, or that

part of it on which the said indictment is formed is unconstitutional and void. Memoranda: It is agreed between the attorney for the United States and R. T. Daniel, counsel for the defendants, that the above assignment of causes of demurrer shall be taken as made in each of the cases of prosecution pending in the United States Circuit Court of the Eastern District of Virginia against judges and registrars of election in the city of Petersburg.
L. L. Lewis,

United States attorney. R. T. DANIEL,

Counsel for defendants. It is understood that the judges differ on but a single point, and that the certificate of disagreement, which will go to the Supreme Court of the United States, will be only on that point—viz., that the indictments do not, any of them, charge that the persons prevented from voting were so prevented "on account of race, color, or previous condition of servitude."

It is stated that Judge Bond holds that as the motives of men cannot be looked into ribution to the poor by St. Vincent De or proved except by their acts it is sufficient scription to the poor by St. vincent De to charge that citizens of the United States zens of the United States intended to be stated from the gospel of St. Matthew, demotive of hostility to race may be inferred this difficulty can easily be surmounted in from the act of preventing a colored vote from voting.

Judge Hughes thinks that the charge should be made in the indictment, in order to let in the proof or the inference of motive. It is proper to add that the defect in the indictments is not from any fault of the pleader who drew them-the United States district attorney-but because the fact was wanting; the grand jury not having found company; empowered it to hold certain real the fact that the offence was committed on account of race, &c.

Judge Bond intends filing a written opinion in the cases, but will not be able to do so for several days to come. Judge Hughes filed his opinion, which we

append: Opinion of Judge Hughes.

United States vs. Petersburg Judges of Election; eight indictments.

of Election; three indictments. On general demurrer to the indictments: Hughes, J .- Eight of the indictments at bar are against judges who held the municipal election of Petersburg last spring, respectively at eight precincts in that city. They charge that at a municipal election held there on the ducated scholar. The subject was handled 2d May, 1874, these defendants (respectively naming three at each precinct) did unlawfully prevent and obstruct from voting divers persons—to wit: A, B, C, D, E, F, G, and H, "citizens of the United States, twenty-one years old, residents of Virginia for more than twelve months, and of Petersburg for more than three months, resident and legally registered voters in said election, and otherwise qualified by law to vote at said election," at the said precincts respec-

> If the election described, instead of being for municipal officers, had been for a member of Congress or presidential electors of the United States, these indictments, for reasons which need not here be set forth, would have been valid to give jurisdiction to this court, and would have been founded on tion any of them are supposed to be abridged those sections of the enforcement acts of by State legislation, but that body may also Congress which expressly relate to national

On the other hand, if the indictments had charged that the persons prevented from voting at this State election were persons of Saxon, Celtic, Mongol, African, or other descent, and that the defendants prevented them from voting on account of race, then, being founded upon those sections of the enforcement acts which were designed to enforce the fifteenth amendment of the National Constitution, they would have given chained attention for an hour, brought tears jurisdiction to this court; because the fifteenth amendment expressly declares that "the as they existed at the time of the adoption a citizen of the State, and not to him rightef citizens of the United States to vote States or by any State on account of race,

color, or previous condition of servitude."

The offence charged, however, is clearly not within either of these categories. If it had been, the jurisdiction of this court to try it would have been undeniable.

The indictments are really founded upon the 4th section of the enforcement act of May 31, 1870, which declares that, "If any person, by force, bribery, threats, intimidation, or other unlawful means, shall hinder, delay, prevent, or obstruct, \* \* \* any citizen from doing any act required to be done to qualify him to vote, or from voting at any election, [by the people in any State, territory, district, county, city, parish, town-ship, school district, municipality, or other territorial sub-division,] such person shall intended by the Congress which proposed for every such offence \* \* \* be guilty of those amendments, nor by the Legislatures thereof, be fined, &c., or imprisoned, &c., or

This section is clearly not founded upon ars his shop occupied the lot where St. the fifteenth amendment, and, if constitutional at all, is so only by virtue of the clauses as high sheriff and as magistrate of Hen- of the fourteenth amendment which declare as follows: "All persons born and naturalwaves two sons, John M. Goddin and | ized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which

THEAP THANSPORTATION .- The second and force by appropriate legislation the provisions of this article."

Transportation Association will commence If this language of the fourteenth amendat 10 o'clock this morning at Association ment, giving to Congress power to legislate Hall. A large number of delegates were for preventing the abridgement of the rights of citizens of the United States, were not Bollard, St. James, and Ford's Hotels. Many qualified by another provision of that amendthe officers of the Association are here. qualification, then it is broad enough to cover the 1870, which I have quoted, in the broadest which he called "fundamental"; such as signification of that section's language; and the national courts would have jurisdiction ments, and always belonged to citizens of pressly allowed to abridge in every other recation, then it is broad enough to cover the

offences charged.

THE POWER OF COURTS TO CONSTRUE STATUTES. But is this language to be so interpreted? Is it not rather to be limited by construction? If the latter, then the language is to be construed according to rules of statutory interpretation, which are as much a part of the statutory law as the statutes themselves. Although, as will appear in the sequel, it is unnecessary for me to do so with reference to the eight indictments under immediate consideration, I shall first treat this clause of the fourteenth amendment as if it were not qualified by any other clause in that amendment, or by the fifteenth amendment.

It is a settled principle of construction that all instruments are to be intepreted according to their real intention and object and when statutes employ general terms, those terms are to be limited in giving effect to the statutes, according to the real meaning of their authors, rather than according to their literal meaning, so as to correct the evil and advance the remedy contemplated by them. The illustration of this principle, any of the English clergy who might happen to be at Rome from buying food; but the statute was construed with reference to its intention-which was to prohibit the purchasing of nominations by the Pope to ecclesiastical benefices in England, which at that day were called provisions.

It is a general principle that the language of statutes is, if possible, not to be so interpreted as to produce absurdity, or oppres sion, or evils greater than those designed to be remedied by them. Indeed, the very function and province of a court is to construe and apply the law according to its true meaning only, and for securing its real obiects alone.

It is, therefore, perfectly competent for the national courts to discriminate between "the privileges and immunities of citizens of the United States," alluded to by the four teenth amendment, and to limit the meaning of the acts of Congress passed to protect them (the 4th section of the first enforcement act among others), so as to make them conform in practice to the spirit of the Constitution of the United States, which regards the National Government as one of limited, express powers, and the Governments of pressly enumerated. The authority of the courts to enlarge the powers of the National Government by construction has always en-countered more or less disfavor. Their authority to limit those powers by construction has never been regarded with jealousy WHAT RIGHTS THE NATIONAL TRIBUNALS AND

BOUND TO PROTECT. The only difficulty in thus discriminating lies in ascertaining the principle on which to proceed and the line of distinction to be drawn in regard to the privileges of citidering the questions raised upon the indictments before us.

WHAT RIGHTS THE STATE TRIBUNALS ABE

The Supreme Court of the United States, in its decision in the Slaughter-house cases (16 Wallace, 36), has taken a part of the responsibility of this task off of our hands. Those were cases in which the subject of complaint was an act of the Legislature of Louisiana. That act created a joint stock estate near the city of New Orleans; required that all animals which should be slaughtered within a large territory surrounding that of this company; and gave it, in these and other respects, exclusive rights in abridgment of the like rights of other citizens, and especially of persons following the trade of butchering in the area described.

The United States Supreme Court held that the national courts had no jurisdiction to protect citizens of Louisiana, though they were citizens of the United States, in such privileges as were abridged by the act of incorporation complained of, passed by the Legislature and approved by the Supreme Court of the State. In its decision in these cases, pronounced by Justice Miller, the Supreme Court say (16 Wallace, pp. 77, 78): "Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have power to enforce that article was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?
"All this and more must follow, if the pro-

position of the plaintiffs in error be sound. For, not only are these rights subject to the control of Congress whenever in its discrepass laws in advance, limiting and restricting the exercise of legislative powers by the States, in their most ordinary and usual functions, as in its judgment it may think proper, on all such subjects.

"And still further, such a construction, folthe Supreme Court of Louisiana in these zens, with authority to nullify such as it did from the United States, but from the State not approve as consistent with those rights alone; a privilege belonging to the man as as in the case before us, these consethe structure and spirit of our institutions; the control of Congress in the exercise of powers heretofore universally conceded to and regulating the right of suffrage+a them, of the most ordinary and fundamental character; when, in fact, it radically changes the whole theory of the relations of the State and Federal Governments to the people; the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt We are convinced that no such results were intended by the Congress which proposed

This august court accordingly decided that it had no jurisdiction to protect the priabridged being those which belong to citi-

zens of the United States. Its decision authorizes us to construe the clauses of the fourteenth amendment in question, and the acts of Congress passed to

any citizen of the United States on any actime of their independence." They emprevious servitude count; and the indictments at bar would brace those rights which belong to a man as If the Constitution brace those rights which belong to a man as give jurisdiction to this court over the a member of society, together with those a member of society, together with those to the States, then no act of Congress for-which the Constitution and laws of his State bidding the abridgment of this right on

confer upon its citizens. On the other hand, the rights which we constitutional, and no indictment founded have as citizens of the United States are upon such a law is valid to give jurisdiction such as are implied in the language of Judge of the offence charged to the national courts. Taney when he declared that "we are citi zens of the United States for all the great purposes for which the Federal Government was established." For instance, a man as a citizen of Virginia may carry on a business here by paying a certain tax; in virtue of which fact a citizen of Maryland, as a citizen of the United States, has a right to carry on the like business in Virginia by the payment of no greater tax. So, under the Constitution of the State, a man born in Virginia is a citizen bere after a certain age; by virtue of which fact he may become, under the Constitution of the United States, a citizen of New York by a change of residence to that State. This parallel between the rights held by citizens, respectively, in their two characters might be run out through many examples; but the distinction is too plain to need further illustration. For other de cisions on the subject see 9 Wheat, 203; 11 Pet., 102; 5 Wal., 471; 8 Wal., 180; 9 Wal.

41; and 12 Wal., 430. Adopting this broad distinction, and availing of the authority given by the Supreme Court in its decision in the Slaughter-bouse cases, the national courts are justified in refusing to take cognizance of offences committed in violation of those rights which belong to a person as the citizen of a State not created or conferred but only guaranteed by the National Constitution; and in confining their jurisdiction to those rights which belong to persons peculiarly in their character as citizens of the United States.

This much being settled, and inasmuch a the 4th section of the enforcement act of May, 1870, concerns only the citizen's righ of voting, it is only necessary to inquire how the right of voting attaches to the citi zen; whether in his character as citizen of the State or in that of a citizen of the United

IS THE RIGHT OF SUFFRAGE DERIVED FROM THE STATE OR FROM THE UNITED STATES ? amendment a man was a citizen of the enjoyment.

Third States only derivatively, by virtue of "When any of these rights and privileges United States only derivatively, by virtue of tion of the fourteenth amendment the new may be. independently of that of citizenship of the State, was first established; but it does not Government is charged. follow that the incorporation of this new ished or obliterated the line of distinction which the national courts had claimed the but belongs to the State Government as power to draw between the rights of a person as citizen of a State and those which he

the State in which he resides. Indeed, such a law would seem to be unconstitutional; for them, of prohibiting citizens of the United shall be voters, even in national elections. That amendment, in the second paragraph provides that "when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such zens of the United States, except for particimale citizens bear to the whole number of even of citizens of the United States, is left, even by the fourteenth amendment itself, to be regulated and defined by the States, which had always held that power. The State of Virginia has accordingly exercised this prerogative, pur suant to her own uncontrolled views of justice and propriety, in the first clause of the is in these words: "Every male citizen of the United States twenty-one years old who shall have been a resident of this State twelve months, and of the county, city, or town in which he shall offer to vote three months next preceding any election, shall be entitled to vote upon all questions submitted to the people at such election"; following this Petersburg.

general provision with the usual exceptions of persons committing crime, &c. And here I will remark that the right to vote would seem to be not fundamental; not a natural right. The power to declar who shall be voters, who shall be constituents of the political sovereignty of a State has been claimed by and conceded to each State from the beginning of our independlowed by the reversal of the judgment of ence; and is expressly conceded by the clause of the fourteenth amendment which

struction of an instrument. But when, voter in every election, does not in any de-

It being therefore incontrovertible that the longs to him as a citizen of the United States. Under the fifteenth amendment his right as vileges which were abridged by the act of a national citizen is—not to be prevented from trolled power over this right they should be incorporation complained of, the privileges potting "on account of race, color, or previous zens of the State as such, and distinguished not involved in the indictments at bar. Has abridge the right of the citizen to vote "on from those which attached to them as citi- he any similar right in his national character account of race, color, or previous condition under the fourteenth amendment? What of servitude." ever right the national citizen, as such, may have, under the general terms of the fourcitizens of the United States, \* \* nor deny to any person the equal protection of the laws. Congress shall not provide a coording to their direct historical object, rather than their mere literal ment gives him no such right as to the privileges are concerned, yet that amending than of race, color, or previous condition of ment gives him no such right as to the privileges are concerned, yet that amending the united states, \* \* nor deny to any person the equal protection of the laws. Congress shall no fine them as to discriminate between those of the laws. deet, rather than their mere literal and, more particularly, so to confine and, more particularly, so to confine as to discriminate between those the citizen which he has as a citi
the citizen which he has as a citi
the states the power of regulating the right of suffrage in both State and national electors at the confine and there are the confine and the conf rights of the citizen which he has as a citizen of a State and those which belong to
him as a citizen of the United States.

In the states the power of regulating the right of suffrage in both State and national electrons of a State and those which belong to
him as a citizen of the United States.

In the states the power of regulating the right of suffrage in both State and national electrons of a state and those which belong to
the states the power of regulating the right of suffrage in both State and national electrons of a collision, has been repaired and put on of a collision, has been repaired and put on of a collision, has been repaired and put on the third to give jurisdiction of such an offence of a collision, has been repaired and put on the third to give jurisdiction of such an offence of a collision, has been repaired and put on the third to give jurisdiction of such an offence of a collision, has been repaired and put on the third that not only is the line again. She arrived at this port years are presented as the power of regulating the right to give jurisdiction of such an offence of a collision, has been repaired and put on the control of a law of congress, is inthe states the power of regulating the right to give jurisdiction of such an offence of a collision, has been repaired and put on the congress are the power of a collision of a collision, has been repaired and put on the congress of the line again. She arrived at this port years are the congress of th WHAT RIGHIS ARE DERIVED FROM THE STATE, and not only does it belong to the category of rights which it is peculiarly within the province of the State tribunals to protect, but it is excepted by the fourteenth amendation and lower the state of the defendants to the eight indictments against the Petersburg judges of election are good, and that the indictments should be quashed.

THE INDICTMENTS AGAINST THE REGISTRARS OF the defendants to the eight indictments against the Petersburg judges of election are good, and that the indictments should be quashed. ports, off.) Justice washington denned the put it is excepted by the fourteenth amend-privileges and immunities which belong to ment from those general privileges and im-citizens of the States as such to be those munities of citizens of the United States

to try any offence abridging any right of the several States of this Union from the spect than on account of race, color, and which I have been considering, from those If the Constitution gives this permission

other account than of race, color, &c., is

BY THE NATIONAL CONSTITUTION AND THOSE MERELY GUARANTEED BY THAT INSTRUMENT BUT DERIVED FROM THE STATES.

It is contended that from whatever source

right comes to a citizen of the United States, yet, once attaching to him, it is competent for Congress and the United States courts to protect him in it. This argument would confer the power and duty of protecting the citizen of the United States from any of the ordinary offences at common law, such as murder, false imprisonment, and the like. This cannot be a sound proposition. There is an obvious distinction to be made on this subject. Although still unnecessary to my argument as to the eight indictments mentioned

I will advert to the distinction which should be drawn between rights proper and those improper for the jurisdiction of the national courts. It is that so well stated by Justice Bradley in his opinion in the case of the United States vs. Cruikshank et als., reported in 13 American Law Register, 630, where the learned Justice distinguishes between those provisions of the National Constitution which guarantee fundamental rights, the duty of protecting which properly belongs to the States, and those provisions which either create rights or enjoin affirmative legislation upon Congress for their protection.

I cannot but express a cordial and full concurrence in the following remarks of Justice Bradley on that subject. He says: "With regard to those acknowledged rights and privileges of the citizen which form a part of his political inheritance derived from the mother country, and which were challenged and vindicated by centuries of stubborn resistance to arbitrary power, they belong to him as his birthright, and it is the duty of the particular State of which he is a citizen to protect and enforce them, and Before the adoption of the fourteenth to do nought to deprive him of their full

his being a citizen of a State. Such was the principle of the decision of the Supreme United States only by a declaration that the Court of the United States in the case State, or the United States, shall not violate of Dred Scott vs. Sanford, (19 Howard, 393,) or abridge them, it is at once understood in which that court expressly decided that that they are not created or conferred by the as a man of African descent was not the citi- Constitution, but that the Constitution only the States as of general powers, not ex- zen of any State, therefore he could not be a guarantees that they shall not be impaired citizen of the United States. By the adop- by the State, or the United States, as the case

"The fulfilment by the United States of this guaranty is the only duty with which that

"The affirmative enforcement of the rights provision into our national polity has abol- and privileges themselves, unless something more is expressed, does not devolve upon it.

part of its residuary sovereignty. "For example, when it is declared that no has as citizen of the United States. There State shall deprive any person of life, liberis not yet any general act of Congress cloth- ty, or property, without due process of law, ing the citizen of the United States proprio this declaration is not intended as a guaranty vigore with all the rights of the citizen of against the commission of murder, false the State where he resides, and giving the imprisonment, rebbery, or any other crime national courts express jurisdiction to pro- committed by individual malefactors, so as o give Congress the power to pass laws for Certainly there can be no law of Congress | the punishment of such crimes in the several found which directly purports to constitute | States generally." \* " It is a guaranty against any citizen of the United States a voter in the exertion of arbitrary and tyrannical power on the part of the Government and clause which leaves to the States the power, and the power of Congress, whether implied always before possessed by and conceded to or expressed, to legislate for the enforcement passage of laws for the suppression of ordi-

\* \* \* "The enforcement of the guaranty does not require or authorize Congress to perform the duty which the guaranty itself supposes it to be the duty of the State to perform, and which it requires the State to

. . " If these views be correct, there can be no constitutional legislation of Congress State, being twenty-one years old, and citi- for directly enforcing the privileges and imof representation therein shall be reduced in United States, where the only constitutional the proportion which the number of such guaranty of such privileges and immunities is that no State shall pass any law to abridge male citizens twenty-one years of age in them, and where the State has passed no law such State." Thus the right to vote, adverse to them, but, on the contrary, has passed laws to sustain and enforce them.'

If this distinction be correct, then, as the right of voting is not conferred by the National Constitution, nor even guaranteed by that instrument except in a qualified and negative way by the fifteenth amendment, it is not one of those rights over which, when proposed to be exercised in a State election, Congress or the national courts have jurisdiction.

Thus are we brought by legitimate argument, founded upon the decision in the Slaughter-house cases, and the very able one and summary punishment. He found that in the Cruikshank case, to a conclusion he had gone. Drs. Beale and Brock against the validity of the eight indictments was called in to attend the victim, and a pending against the judges of election of

THE DIBECT AND CONCLUSIVE ARGUMENT ON

But there is a much more direct method of reaching the same conclusion, which avoids a resort to the power of construction, and which renders useless the distinction drawn by the national courts in longing to a person respectively in his two characters of citizen of the State and citizen cases, would constitute this court a per- I last quoted. The right to vote would of the United States, and between the rights petual censor upon all legislation of the seem to be not an inherent right, but a concreated or conferred and those merely guaran-States on the civil rights of their own citi- ferred privilege; a privilege not derived teed by the National Constitution. It is this: Admit for argument's sake that the fourteenth amendment, in its first paragraph, was intended to prohibit the abridgement of this amendment. The argument, we ad- in his character as citizen of the of any privilege of the citizen by the State, righted chizens of the United States to vote of the chizen by the States of the organizers of the orga is drawn from the consequences urged Virginia in making every citizen of the yet the second paragraph of the same amend against the adoption of a particular con- United States resident within her borders a ment, which leaves to the States the power always held by them to prescribe the qualigree change the fact that he derives this fications for suffrage at their pleasure in quences are so serious, so far-reaching right from herself. Nor does the obligation National and State elections, expressly exand pervading, so great a departure from of the United States to guarantee to the cepts the right of voting from those general States a republican form of government privileges; and the most that can be insisted when the effect is to fetter and degrade the change the fact now existing, and which has upon is that the fourteenth amendment pro-State Governments by subjecting them to existed from the founding of the Union, that tects the citizen of the United States in all to the States is left the power of defining privileges except the right of voting, and leaves this right to be regulated ad libitum power without which a State could scareely by the States. It was this latter fact which be considered as any longer retaining its au- created the necessity for the fifteenth amendment, and that amendment would mean nothing, and would have been wholly unnecessary if before its adoption the States had not had uncontrolled power over the right of suffrage. Its sole object was to limit the unrestrained been conceded by the fourteenth amendment; but it undertook to limit the power only in restricted in exercising their power at least condition of servitude"; which is a right this far-to wit: They should not deny or

Iam, therefore, of opinion that any law of Congress is unconstitutional which makes teenth amendment, not to be abridged in the preventing of a voter from voting in a dred additional immates. It is already his privileges or immunities, so far as other State election penal on any other account

THE DISPATOR

UNITED STATES DESPRICT COURT-Prese Hon. Robert W. Hughes, Judge.—In the mat-ter of D. B. Groff, bankrupt. The purprevented from registering were of African chaser of the cankrupt's real estate was ordescent, but omit to charge that they were dered to pay to H. B. Fisher, a lien creditor, \$1,404 and interest.

1. They allege that the persons who were

easons I have stated, do not come under the

fifteenth amendment. If they are valid at

ill, to give jurisdiction to this court it must

be under the fourteenth amendment and the

4th section of the act of May, 1870. But, for

tion is a right conferred by the State. Euch

of the three indictments under immediate

consideration expressly recites that the right

is conferred by the laws of Virginia, and

that the duties of the registrar were duties

imposed by State laws. Nor do they charge

that in consequence of the failure of the in-

jured persons named to be admitted to reg-

istration they lost their right to vote either at

a State election or an election held for officers

of the United States. The denial merely of

registration is an offence against the State,

if it be on any other account than of race, color, &c. If the indictments had charged that the denial had been on

account of race, &c., the offence would

have been cognizable here; or if, after charg-

ng the denial, the indictments had gone on

to charge that in consequence thereof the citi-

voting at an election held for a member of

Congress, or electors of a president of the

United States, I am inclined to think that the

offence would have been cognizable here.

But a charge merely that a citizen of the

Inited States was denied registration, with-

out other allegation to make it appear that

some right was abridged which belonged to

the man as a citizen of the United States, is

not sufficient to give cognizance of the of-

I am, therefore, of opinion that the de-

murrers to these indictments against the Pe-

A SAVAGE OUTRAGE UPON A LITTLE GIRL-

Brazil to build a railroad, but who upon

reaching New York were deserted by the

immigrant agent and left to take care of

themselves. About 200 were engaged and

brought to this city to work in the Church

Hill tunnel. They failed to give satisfaction,

and were all discharged after some months'

trial. Most of them then went away from

Richmond. Among the few who remained

was Morano. Having acquired enough

exercise his musical talents for the delight

of juvenile audiences. He only deserted

that vocation a few weeks ago to enter the

for the Police Justice to discharge him.

pened, and gave evidence to them of the

Mr. Loterzo at once rushed to Morano's

room, intending to inflict upon him severe

warrant for the arrest of Morano was

issued by Justice Crutchfield upon com-

plaint of Mr. Loterzo. The warrant was

own and the First district diligently searched

the city sunday night, but without success.

Yesterday between 12 and 1 o'clock Cap-

house near the Chesapeake and Ohio railroad

depôt, and took him into custody. It was

ascertained that he was making preparations

to leave the city by a freight train of the

Chesapeake and Ohio railroad. He had had

his beard shaved off, had bought some new

clothes and a pair of new boots, and was

ready to depart. Before making his pur-chases he borrowed from a friend twenty

dollars, affirming that with it he proposed

to buy a monkey," and that he had high

hopes with that attraction of making his con-

certs not only interesting and amusing to his

He speaks English very poorly, and the

explanation of his conduct given to Captain

Tyler was not intelligible, if he intended it

He was confined in the First station-house

ast night, and will be brought before act-

ing Police-Justice W. Hall Crew for exami-

man, a lame colored man, was arrested yes-

charges him with setting fire to his house, one

of the four on Broad street destroyed Sunday

morning. Coleman owned the house and

lived in it, but had not fully paid for it; nor

was it insured for but a small amount. On

account of the absence of material witnesses

the examination did not take place yester-

day, but is fixed for to-day before the acting

CONVICTS TO BE RETURNED .- The authori-

ties of the Virginia penttentiary have re-

ceived notice from Mesers. Mason & Hoge,

contractors for the construction of the Val-

ley railroad, that owing to the stoppage

of their work they will have to return the

convicts hired by them. The penitentiary

will, therefore, soon have over two hun-

FIRE-ALARMS .- During the past month

there were nine fire-alarme,

audiences, but profitable to bimself.

nation this morning.

outrage she had suffered.

that the latter ought to be quashed.

fence to this court.

reasons already abundantly stated, registra-

prevented from registering "on account of race, color, or previous condition of servi-tude." These are not indictment, there-In the matter of McIlwaine & Co., bankfore, founded upon the fifteenth amendment the real estate of S. S. Bridgers, one of the or any act of Congress passed for enforcing firm, at private sale for the sums named in t. We are not at liberty to infer from the his petition.

mere circumstance that a man was of any ... In the matter of A. W. Gammons, bankparticular race, and prevented from exer- rupt. The report of W. I. Clopton, trustee, cising a right, that he was so prevented on of the sale of certain property of the bankaccount of his race. That fact must be rupt was confirmed. charged before it can be proved, and the fail- in the matter of John C. Carr, bankrupt.

ure to charge it is, I think, fatal to the e in- An order was made removing this cause to dictments, so far as the fifteenth amendment the western district of the State, at Lynchand the statutes enforcing it are concerned. burg, upon payment of costs.

2. These three indictments each charge in In the matter of Mary P. Hobson. The

substance that the defendant "did refuse bankrupt and her husband baving been and knowingly omit to give to all citizens of served with notice, this cause was continued the United States in his ward the same and until the 12th of December next. equal opportunity, without distinction of In the matter of R. G. Farley, bankrupt, race, color, or previous condition of servi-Jacob Cohn, assignee, was appointed a speude, to register, &c.; but, to the contrary cial commissioner to inquire and report the thereof, refused and knowingly omitted to value of the property surrendered by the give A, B, C, D, and E the opportunity to bankrupt, and the liens and their priorities register which he gave to others, the said A, thereon, and also whether any of said liens

B, C, D, and E being qualified, &c., and citi-zens of the United States of "African race" Judge Hughes left yesterday for North Judge Hughes left yesterday for Norfolk. and descent." By not charging that the re-He will be here again on the 11th of Decemfusal was on account of the race, &c., of the njured persons, these indictments, for the

POLICE COURT, YESTERDAY .- Justice W. Hall Crew presiding. - Elisha Bethel was tined \$2 for drunkenness. Samuel Poindexter, charged with stealing

one truck containing clothing of the value of \$150 from P. H. Gooch. The witnesses being absent the case was continued until Richard Rafferty, threatening to assault,

was fined \$5, and security in the sum of \$100 for future good behavior required. Hannah Brannan, charged with using obcene language in the street, was fined \$2.50.

Mary E. Banks, stealing. Sent to jul for ten days. Tom Randall, assault and battery. Fined

Nathan Thornton, assault and battery. Ellis Robinson, charged with threatening o kill John Canfield. Sent to jail in default

of surety. Fire on Sunday. - Between 5 and 6 o'clock on Sunday morning two framed dwellings, zen of the United States was prevented from Nos. 1516 and 1518, on the north side of Broad street, occupied by Kate Morgan and Ca ar Coleman, were totally destroyed by fire, and two houses adjoining, Nos. 1512 and 1514, occupied by William Isham and William Bell, were badly burned. The fire originated in the rear part of Coleman's house, and owing to the light and inflammable material of which that and the other buildings were constructed the flames spread rapidly, and would no doubt have consumed tue largest portion of Rutherfoord's Row had not the firemen been on hand with their engines in such good time. William Isbam tersburg registrars ought to be sustained, and owned the house in which he lived, and carried on-a barber-shop. He loses about

the Virginia Fire and Marine Insurance ARREST OF THE OFFENDER .- Sunday after-Company. noon about half-past 4 c'elock an Italian William Bell, who occupied the next named Paul Morano violated a little girl house, kept a grocery store, and loses on his seven years of age, the daughter of Mr. Mistock and furniture about \$400. Insured. chael Loterzo, who keeps a bar-room and The house was owned by William Figmhouse at the northwest corner of Seventh and Byrd streets. Morano is one gold watch and chain and a small amount of of the large number of Italians who were brought to this country to be transhipped to

\$350 to \$450 in furniture and damage to bis

house. Furniture, &c , insured for \$250 in

money, which was burned. The loss upon the other two houses is variously estimated, but will probably be \$700. The property stands in the name of Joan E. Bossieux, or Dollar Savings Bank.

COULDN'T FING THE FIRE, -At 121 o'clock resterday the gongs in the engine-houses and police-stations sounded Box 14, which been turned in. They then went to Boxes 15 and 4, where they received like information, and having given up finding the fire as a bad job, returned to their respective

roasted-chestnut business. Sometimes he bouses. sold at the corner of Governor and Main IMPORTANT ARREST AND SEIZURE .- Mr. Hiram W. Powers, distiller, charged with defraudand Tenth streets. Once he was brought ing the United States out of tax on distilled evidence was such as to make it necessary tion was sent on to the grand jury at Alex-For four months past Morano has been boarding with Mr. Loterzo, his fellow-counday in January next. The collector has ryman. Generally he has behaved himself seized the distillery premises and appurwell. On Sunday afternoon, as Josephine tenances of Mr. Powers under the act of was passing his room-door, he induced her Congress authorizing seizure for violation of to come in, when he attempted to execute internal revenue laws. The distillery was his malevolent purpose. Her screams of pain paying the Government about \$600 tax per day. Messrs. Lowis and Worthington apsoon caused him to desist. As soon as she peared for the Government, and L. H. was released she ran down stairs crying, and told her mother and father what had hap-

TRAIN DELAYED .- The eastward-bound muil train on the Chesapeake and Ohio railnot reach the city until nearly 7, having been delayed a short distance east of Covington and at Staunton. After leaving Covington three of the cars jumped the track, without doing any damage, however. The time lost by the accident was made up beplaced in the hands of Captain Disney. He fore the train reached Staunton, but at that and other members of the police force of his place a freight train blockaded the track, four box-cars baving been thrown off. It was nearly 3 o'clock when the cars were put back upon the track and the mail train entain James M. Tyler found the fugitive in a abled to pass. From Staunton to Richmond they had a s vift and successful trip.

> OUT IN THE COLD .- Last evening Mr. James H. Platt, late Republican candidate for Congress from the Second district, employed the First Regiment band, and marched through some of the streets to attract a crowd. About 7 o'clock a hundred Conservatives and Republicins gathered around the northern porch of Ford's Hotel, while he, bareheaded, addressed them from the porch, bemoaning the fact that the State canvassers had found it necessary to leave him out in the cold, declaring that he would contest Mr. Goode's seat, and that he felt confident he would get it. The band mean time went into the office and toasted their oes by Mr. Ford's stove.

> Second Baptist church this evening at 8 Henson has a reputation at the North second and many of his old friends and collegemates here will be gratified at this opportunity of hearing again the one they delighted to hear years ago as "the boy orator,"

The choir of the church will enliven the occasion with some of their choicest selections. These combined attractions, the small um (only twenty-five cents) charged for the tickets, and the good object to which the proceeds are to be devoted, will doubtless crowd the house.

TOBACCO INSPECTORS QUALIFIED .- The folowing tobacco inspectors, appointed by city, have qualified before Judge Guigon during the November term of the Hustings Court : W. H. Kennon, inspector on part of owners at Shockoe Warehouse, with bond it the line again. She arrived at this port yeaterday.

HYMENEAL.—During the month of November forty-six marriage licenses were issued from the clerk's office of the Hustings Court—seventeen to white persons and twenty-nine to colored couples.

ard, State inspector at Seabrock's, W. L. Owens and Thomas E. Owens sureties; Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas E. Owens sureties; Welliam H. Perkins State inspector at Seabrock's, W. L. Owens and Thomas E. Owens sureties; Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas E. Owens sureties; Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas E. Owens sureties; Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas E. Owens sureties; Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas E. Owens sureties; Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Anderson & Myers's, penalty of \$4,000, J. B. Pace surety. William H. Perkins State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's, W. L. Owens and Thomas D. Neal State inspector at Seabrock's

as sureties. [FOR OTHER LOCAL SEE POURTE PAGE.]